

HON. RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JANE DOE,

Plaintiff

v.

LINCOLN NATIONAL LIFE
INSURANCE COMPANY,

Defendant.

STIPULATED MOTION FOR LEAVE TO
FILE “ADMINISTRATIVE RECORD”
UNDER SEAL AND [PROPOSED] ORDER

NOTED FOR HEARING: May 24, 2022

I. Relief Requested

The parties respectfully move the Court, pursuant to Federal Rule of Civil Procedure 5.2(d) and Local Civil Rule 5(g), to order that the “Administrative Record” in this action – the defendant insurance company’s claim file – be filed under seal, without redactions.

II. Relevant Facts and Legal Authority

This action arises under the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. § 1001 et seq. The parties agree the Court will need to consider Defendant’s claim file

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UNDER SEAL AND [PROPOSED] ORDER - Page 1

No. 2:22-cv-00491-RSM

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1 to resolve the matter. Such files have come to be called the “Administrative Record” in ERISA
2 benefit cases. Here, that file is primarily medical records and other documents addressing
3 Plaintiff’s medical condition.

4 Although Local Civil Rule 5(g) establishes a strong presumption in favor of public access
5 to court filings, the need to protect medical privacy qualifies as a “compelling reason” to allow
6 records to be filed under seal. *Karpenski v. Am. Gen. Life Companies, LLC*, No. 2:12-CV-
7 01569-RSM, 2013 WL 5588312 at *1 (W.D. Wash. Oct. 9, 2013) (citing *Kamakana v. City and*
8 *County of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006)). See also *Macon v. United Parcel*
9 *Serv., Inc.*, No. C12-260 RAJ, 2013 WL 951013, at *5 (W.D. Wash. Mar. 12, 2013) (granting
10 unopposed motion to seal medical records given the “private nature of the documents at issue”);
11 *Gary v. Unum Life Ins. Co. of Am.*, No. 3:17-CV-01414-HZ, 2018 WL 1811470, at *3 (D. Or.
12 Apr. 17, 2018) (“[t]he parties have not presented, and the Court is not aware of, any cases where
13 medical information was not allowed to be filed under seal under the ‘compelling reasons’
14 standard.”).

15 Local Civil Rule 5.2(c) states that “in an action for benefits under the Social Security
16 Act” the “administrative record must be filed under seal” because those “actions are entitled to
17 special treatment due to the prevalence of sensitive information and the volume of filings.” *Id.*
18 That reasoning applies to this action. Sensitive information is found throughout the claim file.

19 As certified below, the parties discussed whether redaction would be a suitable
20 alternative. Due to the volume of the record, and the extensive redaction that would be
21 necessary, the parties believe redaction is not a reasonable alternative. Federal Rule of Civil
22 Procedure 5(d) provides that the “court may order that a filing be made under seal without
23 redaction” and the parties respectfully move the Court to so order here.
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III. Local Rule 5.2(g)(3)(A) Certification

The parties certify pursuant to Local Rule 5.2(g)(3)(A) that attorneys for both parties conferred by telephone on May 23, 2022, to discuss filing the record under seal and to explore redaction and other alternatives to filing under seal. They agreed redaction was not a reasonable means to protect Plaintiff's medical privacy, because the documents would need to be so extensively redacted.

IV. Conclusion

The parties respectfully move the Court to order that the "Administrative Record" in this action be filed under seal, without redaction.

RESPECTFULLY SUBMITTED this 24th day of May 2022.

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Attorneys for Defendant Lincoln National Life Insurance Co.

ORDER

IT IS SO ORDERED. The Court GRANTS the parties' stipulated motion and ORDERS that the administrative record in this action be filed and maintained under seal. Pursuant to Federal Rule of Civil Procedure 5(d), the record need not be redacted.

DATED this ____ day of _____ 2022.

Honorable Ricardo S. Martinez
Chief United State District Judge

CERTIFICATE OF SERVICE

I certify that on the date noted below I electronically filed this document using the CM/ECF system which will send notification of such filing to the following persons:

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DATED this 24th day of May 2022 at Seattle, Washington.

s/Mel Crawford
Mel Crawford